

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ZYKEEM JOHNSON,

Plaintiff,

v.

B. FISHER, *et al.*,

Defendants.

No. 1:20-CV-02137

(Chief Judge Brann)

ORDER

AND NOW, this 16th day of August 2022, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 13) for summary judgment pursuant to Federal Rule of Civil Procedure 56 is **GRANTED** in part and **DENIED** in part, as follows:
 - a. Defendants' motion is **GRANTED** as to Johnson's Eighth Amendment failure-to-protect claim against defendants B. Fisher and Deputy Superintendent Rivello.
 - b. Defendants' motion is **DENIED** in all other respects.
2. Entry of judgment in accordance with paragraph one above shall be deferred pending resolution of Johnson's remaining Eighth Amendment failure-to-protect claims against defendants Yoder, Killinger, and Shope.
3. Johnson's state-law negligence claims against all Defendants are **DISMISSED** for lack of subject matter jurisdiction, as those claims are barred by state statutory immunity.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge